



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

		<p>CURTIS RINDLISBACHER, petitioner was Court appointed to represent the Conservatee on 10/15/2009.</p> <p>FRANCES KENNEDY was appointed Conservator of the Person and Estate on 6/6/2008.</p> <p>Petitioner was previously awarded attorney fees for services rendered through 1/26/2010 in the amount of \$1,207.50.</p> <p>Petitioner requests fees in connection with the representation of the Conservatee for the Conservator's petition to sell the Conservatee's residence.</p> <p>Petitioner asks that he be paid from the conservatorship estate for 5.6 attorney hours @ \$300-\$325 per hour and 1.5 paralegal hours @ \$100 for a total of \$1,883.50. Petitioner also requests reimbursement of the filing fee of \$435.00.</p> <p>Services are itemized by date and include review of documents, visits with client, and court appearances.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
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✓	Notice of Hrg			
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	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			<p>Reviewed by: KT</p> <p>Reviewed on: 5/28/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 – Clover</p>	

Fourth Account and Report of Trustee and Petition for its Settlement

		D. STEVEN BLAKE , Trustee, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 1/1/13 – 12/31/13	
		Accounting - \$329,209.99	<p>Note: If the petition is granted, a status hearing will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, June 10, 2015 at 9:00 a.m. in Department 303, for the filing of the fifth account. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>
		Beginning POH - \$319,908.66	
		Ending POH - \$328,802.68	
		Trustee - All trustee compensation and expenses are being requested from the Gift Trust.	
		Bond - \$350,000.00	
		Petitioner states the terms of the Secondary Trust require that all expenses of administration incurred by the Secondary Trust, other than income taxes and the cost of the bond, be paid by the Gift Trust. The bond amount paid by the Gift Trust on behalf of the Secondary Trust was \$1,310.00 and that amount should be reimbursed by the Secondary Trust to the Gift Trust. Income tax liability paid in 2013 was \$59.00 and that amount should be reimbursed by the Secondary Trust to the Gift Trust. The Secondary Trust, however, was charged a management fee of \$95.00 by Morgan Stanley Smith Barney. That expense is properly charged to the Gift Trust. Therefore the net reimbursement from the Secondary Trust to the Gift Trust should be \$1,274.00	
		Petitioner prays for an order:	
		1. The fourth account of Petitioner and Trustee be settled, allowed and approved as filed;	
		2. All acts and proceedings of Petitioner as Trustee, as set forth in the Petition be ratified, confirmed and approved;	
		3. Trustee be authorized to distribute the sum of \$1,274.00 to the Gift Trust as net reimbursement for allowed expenses of the Secondary Trust.	
Cont. from			<p>Reviewed by: KT</p> <p>Reviewed on: 5/28/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 – Silberstein</p>
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<input type="checkbox"/>	FTB Notice		

**First Amended First Account and Report of Guardian, Petition to Increase Bond
and Reimbursement for Attorneys Fees**

Age: 12 years		MARLEEN C. MAFFEO , mother/guardian, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 7/18/12 – 7/17/13	
		Accounting - \$402,041.85	
		Beginning POH - \$364,105.51	
		Ending POH - \$397,959.66	
Cont. from			Note: If the petition is granted, status hearings will be set as follows:
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		• Wednesday, July 2, 2014 at 9:00 a.m. in Department 303, for the filing of the additional bond.
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		• Wednesday, September 16, 2015 at 9:00 a.m. in Department 303, for the filing of the second account.
<input checked="" type="checkbox"/>	Aff.Mail	W/	
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<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
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<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620(c)		
<input checked="" type="checkbox"/>	Order		
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

MARLEEN C. MAFFEO, mother/guardian,
is petitioner.

Account period: 7/18/12 – 7/17/13

Accounting - **\$402,041.85**
Beginning POH - **\$364,105.51**
Ending POH - **\$397,959.66**

Current bond is \$335,000.00. Petitioner
states the bond is insufficient. Bond
should be increased to \$450,000.00

Guardian - **waives**

Attorney - **\$4,174.13** (for
preparation of the petition for
appointment of guardian, dealing with
the estate of the minor's deceased
parent and for the accounting.)

Petitioner prays for an Order:

1. Approving, allowing and settling the
first account and report;
2. Authorizing payment of attorney fees
in the sum of \$4,174.13.

Reviewed by: KT

Reviewed on: 5/29/14

Updates:

Recommendation:

File 3 – Maffeo

**First Amended First Account and Report of Guardian, Petition to Increase Bond
and Reimbursement for Attorneys Fees**

Age: 10 years	MARLEEN C. MAFFEO , mother/guardian, is petitioner.		NEEDS/PROBLEMS/COMMENTS:
	Account period: 7/18/12 – 7/17/13		
	Accounting - \$401,105.51		<p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, July 2, 2014 at 9:00 a.m. in Department 303, for the filing of the additional bond. Wednesday, September 16, 2015 at 9:00 a.m. in Department 303, for the filing of the second account. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>
	Beginning POH - \$364,105.51		
	Ending POH - \$397,769.70		
Cont. from	Current bond is \$335,000.00. Petitioner states the bond is insufficient. Bond should be increased to \$450,000.00		
<input type="checkbox"/> Aff.Sub.Wit.	Guardian - waives		
<input checked="" type="checkbox"/> Verified	Attorney - \$4,174.13 (for preparation of the petition for appointment of guardian, dealing with the estate of the minor's deceased parent and for the accounting.)		
Inventory			
PTC			
Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	W/		<p>Reviewed by: KT</p> <p>Reviewed on: 5/29/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 – Maffeo</p>
Aff.Pub.			
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<input checked="" type="checkbox"/> Order			
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Status Rpt			
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Citation			
FTB Notice			

Age: 12 years		MARLEEN C. MAFFEO, mother/guardian, is petitioner. Account period: 7/18/12 – 7/17/13 Accounting - \$246,855.69 Beginning POH - \$235,589.46 Ending POH - \$242,776.50 Current bond is \$335,000.00. Guardian - waives Attorney - \$4,371.63 Petitioner prays for an Order: 5. Approving, allowing and settling the first account and report; 6. Authorizing payment of attorney fees in the sum of \$4,371.63.	NEEDS/PROBLEMS/COMMENTS: Continued from 3/4/14. As of 3/27/14 the following issues remain: 1. Need declaration in support of attorney fees. California Rules of Court, Rule 7.751. 2. Need schedule listing the property on hand at the fair market value. Probate Code §1063(a). (<u>Note:</u> Bank statements show that the current value of the stocks and securities is \$148,652.28. Therefore the fair market value of the estate would total \$389,256.77. This would mean that the bond should be increased to \$440,580.00) 3. Need order Note: If the petition is granted, status hearings will be set as follows: • Friday, September 11, 2015 at 9:00 a.m. in Department 303, for the filing of the second account. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.	
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		Reviewed by: KT Reviewed on: 3/27/14 Updates: Recommendation: File 5 – Maffeo		

<div style="border: 1px solid black; padding: 2px;">DOD: 9-17-10</div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;">Cont. from 040314</div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 15px; text-align: center;">Aff.Sub.Wit.</div> <div style="width: 15px; text-align: center;"> </div> </div> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 15px; text-align: center;">✓</div> <div style="width: 15px; text-align: center;">Verified</div> </div> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 15px; text-align: center;">Inventory</div> <div style="width: 15px; text-align: center;"> </div> </div> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 15px; text-align: center;">PTC</div> <div style="width: 15px; text-align: center;"> </div> </div> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 15px; text-align: center;">Not.Cred.</div> <div style="width: 15px; text-align: center;"> </div> </div> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 15px; text-align: center;">✓</div> <div style="width: 15px; text-align: center;">Notice of Hrg</div> </div> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 15px; text-align: center;">✓</div> <div style="width: 15px; text-align: center;">Aff.Mail</div> <div style="width: 15px; text-align: center;">w</div> </div> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 15px; text-align: center;">Aff.Pub.</div> <div style="width: 15px; text-align: center;"> </div> </div> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 15px; text-align: center;">Sp.Ntc.</div> <div style="width: 15px; text-align: center;"> </div> </div> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 15px; text-align: center;">Pers.Serv.</div> <div style="width: 15px; text-align: center;"> </div> </div> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 15px; text-align: center;">Conf. Screen</div> <div style="width: 15px; text-align: center;"> </div> </div> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 15px; text-align: center;">Letters</div> <div style="width: 15px; text-align: center;"> </div> </div> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 15px; text-align: center;">Duties/Supp</div> <div style="width: 15px; text-align: center;"> </div> </div> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 15px; text-align: center;">✓</div> <div style="width: 15px; text-align: center;">Objections</div> </div> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 15px; text-align: center;">Video Receipt</div> <div style="width: 15px; text-align: center;"> </div> </div> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 15px; text-align: center;">CI Report</div> <div style="width: 15px; text-align: center;"> </div> </div> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 15px; text-align: center;">9202</div> <div style="width: 15px; text-align: center;"> </div> </div> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 15px; text-align: center;">✓</div> <div style="width: 15px; text-align: center;">Order</div> </div> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 15px; text-align: center;">Aff. Posting</div> <div style="width: 15px; text-align: center;"> </div> </div> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 15px; text-align: center;">Status Rpt</div> <div style="width: 15px; text-align: center;"> </div> </div> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 15px; text-align: center;">UCCJEA</div> <div style="width: 15px; text-align: center;"> </div> </div> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 15px; text-align: center;">Citation</div> <div style="width: 15px; text-align: center;"> </div> </div> </div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 15px; text-align: center;">FTB Notice</div> <div style="width: 15px; text-align: center;"> </div> </div> </div>	<p>TERRI DENISE GILL, Daughter And Executor with Full IAEA without bond, is Petitioner.</p> <p>Petitioner states that at the time of her death, the decedent was married to Robert Hanggi; however, the decedent had initiated a dissolution of marriage action in Tulare County Superior Court Case No. 10-239678, which was still pending at the time of her death. Petitioner states that at the time of her death, the decedent owned a community property interest in an undivided 48.16% interest in real property located at 33776 Globe Drive, in Springville, CA (residence plus 20 acres) (the Springville Residence), as well as a community property interest in the household furniture, furnishings, appliances, and items of a personal nature located at the Springville residence.</p> <p>Also at the time of her death, the decedent owned a 6-16 acre parcel adjacent to the Springville Residence as her sole and separate property (the Springville Parcel).</p> <p>During their marriage, the decedent and Robert Hanggi owned cows as community property, which were sold during the course of their marriage. Petitioner is informed and believes that the proceeds from the sale of the cows in the amount of \$36,409.00 were the community property of the decedent and Robert Hanggi, and the decedent's share of said sale proceeds was \$18,204.50. The proceeds were deposited into Bank of Sierra account xx180 with title in the name of Robert Hanggi. Petitioner states Robert Hanggi never distributed any of the sale proceeds from the cattle to the decedent or her estate.</p> <p>In addition, Petitioner states that the decedent held as her separate property a Bank of America account xx831 with title on the account as "Darlene K. Hanggi, Robert Herschel Hanggi." Petitioner states Robert Hanggi was on title for convenience only and he did not contribute any funds to the Bank of America account. The source of funds in the Bank of America account was the decedent's retirement, social security, and her portion of her husband's retirement, all held as separate property assets.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 4-3-14</u></p> <p>Note: On 4-3-14, this matter was continued to 6-2-14 and a status hearing for the filing of the first account was continued to 8-22-14.</p> <p>Note: On 5-2-14, Surviving Spouse and Objector Robert Hanggi filed a Petition for Order Setting Aside Probate Homestead. See Page B.</p> <p style="text-align: center;"><u>SEE PAGE 3</u></p> <div style="border: 1px solid black; padding: 2px; margin-top: 10px;">Reviewed by: skc</div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;">Reviewed on: 5-28-14</div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;">Updates:</div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;">Recommendation:</div> <div style="border: 1px solid black; padding: 2px; margin-top: 2px;">File 5A – Hanggi</div>
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Page 2

Petitioner also states that the decedent held as her separate property the following:

- Bank of the West account xx714 with title on the account "Darlene K. Hanggi, POA Terri Gill"
- Morgan Stanley account xx1042 with title on the account "Darlene K. Hanggi"
- Morgan Stanley account xx3042 with title on the account "Darlene K. Hanggi"
- USAA brokerage account xx817 with title on the account "Darlene K. Hanggi" (source of funds: inheritance)
- USAA brokerage account xx268 with title on the account "Darlene K. Hanggi" (source of funds: inheritance)

Petitioner prays for an order:

1. Determining that the decedent owned an undivided 50% interest a 48.16% community property interest in the Springville Residence at the time of death.
2. Determining that the Decedent owned a community property interest in the household furniture, furnishings, appliances, and items of a personal nature located at the Springville Residence at the time of death;
3. Determining that the Springville Parcel was the Decedent's separate property at the time of death;
4. Determining that the proceeds from the sale of cows were the community property of the decedent and Robert Hanggi and directing Robert Hanggi to pay Petitioner one-half of such proceeds;
5. Determining that the following accounts were the decedent's sole and separate property:
 - Bank of America Account xx831
 - Bank of the West Account xx714
 - Morgan Stanley Account xx1042
 - Morgan Stanley Account xx3042
 - USAA account xx817
 - USAA account xx268
6. For such other and further relief as the court may deem proper.

Robert Hanggi's Response filed 3-27-14 states that the decedent owned an undivided 50% interest in a 48.16% community property interest in the Springville Residence, and Respondent owned an undivided 51.84% separate property interest in the Springville Residence, at the time of decedent's death. Certain items of personal property on the premises were community property; however, others were separate property of the decedent which have already been provided to the executor by Respondent, and others were Respondent's separate property, including but not limited to the cattle branding iron. Respondent admits that the Springville Parcel was the decedent's separate property; however, Respondent has an easement or irrevocable license on said property to allow access to his premises.

With respect to the cattle: Respondent had 80 head of cattle and the decedent had 20 head of cattle; therefore, the combined herd was 80% Respondent's and 20% decedent's. The calves and cattle sold were separate property in the same percentage. Even if the livestock was community property, which it is not, decedent agreed with Respondent that the livestock became his as she could not pay her share of costs associated with the livestock. From 1988 through the sale in 2007, Respondent paid over \$150,000.00 in costs associated with the livestock from his separate property accounts, which far exceeds the claimed 50% interest in the \$36,000 in proceeds that Petitioner seeks. For this reason, he did not distribute the proceeds for the 2007 sale of the herd to the decedent.

Respondent admits paragraph 9 in that he did not contribute funds to the Bank of America account and admits paragraphs 10-17.

Respondent prays for an order denying the petition and for such other and further relief as the court may deem proper.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

1. Determination of community/separate property is addressed under the Family Code. Need authority to make the determinations requested herein under the Probate Code.

Petitioner may wish to seek joinder to the dissolution matter as the personal representative of the decedent's estate in order to determine the decedent's assets for probate.

2. If certain items that have already been reflected on the Inventory and Appraisals filed 7-12-13 are determined not to be assets of the decedent's estate, need Corrected I&As.

For Example:

- I&A Partial No. 1 includes the subject interest in the Springville Residence and the personal property alleged therein for a total value of \$77,240.00.
- I&A Partial No. 2 includes the various cash accounts and a brokerage account designated as the decedent's separate property accounts valued at a total of \$40,025.76.
- Final I&A (No. 3) includes two accounts, one listed as the decedent's separate property valued at \$1,608.84 (100%) and the other listed as the decedent's interest in community property (specifically, proceeds from the sale of cows, which were community property) and valued at \$18,204.50 (50% of \$36,409.00) for a total of \$19,813.34.

DOD: 4-14-12		ROBERT HANGGI , Surviving Spouse, is Petitioner. Petitioner states three inventories of the estate were filed showing the character and value of the property as follows: <ul style="list-style-type: none"> \$72,240.00 Real property \$5,000.00 Household furniture, furnishings \$59,837.75 Bank and brokerage accounts Petitioner completed construction of the residence on or about 10-15-87 which was prior to his marriage to the decedent and has lived in that residence ever since. The decedent's estate claims a 50% community property interest in a 48.16% interest due to improvements and the like to the property during the marriage. Petitioner is informed and believes that the decedent's will does not leave the community property interest in the residence to him. Petitioner is in extremely poor health and any dislocation from the residence would be detrimental to him. No third person has a right to possession in the property. The property is suitable for use as a probate homestead. Petitioner prays for an order as follows: <ol style="list-style-type: none"> Setting aside the property as a homestead for the use of Petitioner for his life; Allowing costs from the estate; For such other orders as the Court may deem proper. 	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> Terri Denise Gill, Daughter, was appointed Executor with Full IAEA without bond on 2-13-13. Ms. Gill filed a Petition under Probate Code §850 that is currently pending for determination of the decedent's community property interest in various assets. Petitioner Robert Hanggi filed an objection to that petition. See Page A. 1. Petitioner requests costs. The Court may require clarification or documentation or further petition.	
<input type="checkbox"/>	Aff.Sub.Wit.			
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<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Report of Sale and Petition for Order Confirming Sale of Real Property

DOD: 12-21-12		<p>DOUGLAS D. SCHORLING, ROBERT SHAW, and GAYDEN L. SCHORLING, Co-Administrators with Limited IAEA without bond, are Petitioners.</p> <p>Sale price: \$135,000.00 Overbid: \$142,250.00</p> <p>Reappraisal: \$140,000.00</p> <p>Property: 3773 N. Van Ness Blvd, Fresno, CA 93704</p> <p>Publication: Fresno Business Journal</p> <p>Buyers: Allan Fogio, Jr., and Jennifer Foglio, Husband and Wife, as joint tenants</p> <p>Broker: None</p> <p>Petitioners state that due to extensive damage caused by neglect of the decedent and by former tenants who were evicted by unlawful detainer, the house was originally marketed to investors rather than to potential homeowners, and only one offer was received for \$123,500.00. However, upon filing and publication of the Notice of Sale, the instant offer was received in the amount of \$135,000.00.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: A status hearing is currently set for Friday, August 15, 2014 for the filing of the petition for final distribution. If the appropriate document has been filed and set for hearing, the status date will be taken off calendar.</p>	
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
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<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input checked="" type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
<p>Reviewed by: skc</p> <p>Reviewed on: 5-29-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6 – Marden</p>				

**(1) Waiver of Accounting and (2) Petition for Final Distribution Under Will and for
(3) Allowance of Statutory Fees and Commissions**

DOD: 12/01/2012	GREG BARSOTTI , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. The Order states the Executor is authorized and directed to pay statutory attorney's fees of \$9,961.35, three-fourths \$7,471.01 to Greg Barsotti and one-fourth \$2,490.34 to Attorney Bradley Silva, this is inconsistent with what is prayed for in the petition: <ul style="list-style-type: none"> • Executor - \$9,961.35 • Attorney \$7,471.01.
	Accounting is waived.	
	I&A - \$284,284.71 POH - \$328,016.01	
Cont. from	Executor - \$9,961.35 (statutory)	
<input type="checkbox"/> Aff.Sub.Wit.	Attorney - \$7,471.01 (less statutory)	
<input checked="" type="checkbox"/> Verified	Closing Costs - \$2,500.00	
<input checked="" type="checkbox"/> Inventory	Distribution pursuant to decedent's will, is to:	
<input type="checkbox"/> PTC	Karla Darlene Metcalf - \$5,000.00	
<input type="checkbox"/> Not.Cred.	Sonja Rane Arietta- \$103,518.22	
<input checked="" type="checkbox"/> Notice of Hrg	Jonell Marie Stump – \$103,518.22	
<input checked="" type="checkbox"/> Aff.Mail	Trina Rachelle Shook – \$103,518.22	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters 03/07/2013		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input checked="" type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 05/28/2014
		Updates:
		Recommendation:
		File 7 – Singletary

Petition to Invalidate Trust Dated October 1, 2013 and any Amendments on the Grounds of Undue Influence and Incapacity; to Confirm Validity of Trust Dated April 5, 2005 as Restated on August 25, 2006 and Amended on January 14, 2009 and all Assets Held by 2005 Trust; Petition to Determine Validity of Transfer of 2005 Trust Assets; Fraud; Breach of Trust; for Financial Elder Abuse of a Dependent Adult; for Imposition of a Constructive Trust on Wrongfully Transferred Assets; for Trust Accounting; for Double Damages; for Attorney Fees and Cost of Suit; and for Punitive Damages

DOD: 10/14/13	ANTON KREMER , trustee of the GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated 04/05/05 as Restated on 08/24/06 and Amended on 01/14/09, and intestate heir of GLORIA E. ZSIBA, is Petitioner.		NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 03/03/14</u> 1. Need Order. 2. Petitioners have requested relief related to elder abuse and undue influence allegations and requests an award of punitive damages. Probate Code §17200 states a trust petition can be filed concerning the internal affairs of a trust or to determine the existence of a trust. This does not include provisions for elder abuse. The allegations in the pleadings are primarily brought under the Welfare and Institutions Code concerning elder abuse, therefore, this case may be more appropriately heard in the civil court rather than the probate court. 3. Need proof of service by mail at least 30 days before the hearing of all persons entitled to notice in this matter. Note: Proof of service has only been filed reflecting personal service on Peter Russo on behalf of his client, Kevin Lee Tracy. It is insufficient to serve a party in "care of" another, therefore also need proof of service by mail at least 30 days before the hearing on Kevin Lee Tracy.
Cont. from 030314			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
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<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	w/		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
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<input type="checkbox"/> FTB Notice			

Petitioner alleges:

- GLORIA ELIZABETH ZSIBA** aka **GLORIA E. ZSIBA** (hereinafter referred to as "Decedent") died on 10/14/13. At the time of her death, she was residence of Fresno County and left real and personal property in Fresno County.
- Decedent had three living children, Petitioner, Kevin Lee Tracy (hereinafter "Respondent"), and Kenton N. Tracy; and one deceased daughter, Teresa Chambless. In addition, Decedent had 7 grandchildren. Decedent's spouse, Alexander J. Zsiba predeceased her.
- On 04/05/05, Decedent executed THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT (the "2005 Trust"). Respondent was named as the successor trustee.
- According to the 2005 Trust, the trust estate was to be distributed as follows to her Spouse, if he survived her:
 - A life estate in decedent's residence, and the sum of \$70,000 to be set aside and paid monthly in the sum of \$1,000 for his living expenses.Upon either her spouse's death or if he failed to survive her, the trust estate balance was to be distributed as follows:
 - 3/4 equally to Decedent's three children – Respondent, Kenton Tracy, and Petitioner.
 - 1/4 equally to the children of decedents deceased daughter, Teresa Chambless.

Continued on Page 2

Reviewed by: JF
Reviewed on: 05/28/14
Updates:
Recommendation:
File 9A – Zsiba

5. Also on 04/05/05, decedent signed a Grant Deed to Trust ("2005 Deed") transferring her residence located at 3260 E. Kerchoff in Fresno to herself as trustee under the 2005 Trust. Decedent did not execute or record any grant deed thereafter, so the decedent's real property remained in the 2005 Trust until decedent's death.
6. Petitioner alleges that decedent made a subsequent amendment to the 2005 Trust placing Petitioner as successor trustee.
7. On 08/24/06, decedent executed THE RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT ("2006 Restatement"). The 2006 Restatement revoked the prior amendment(s) made to the 2005 Trust and placed Respondent back as successor trustee. Petitioner alleges that the 2006 Restatement was drafted by Respondent after he learned that decedent had made an amendment to her 2005 Trust placing Petitioner as successor trustee.
8. Petitioner states that decedent owned a Merrill Lynch (also known as Merrill Edge) account ending in 5148 and held cash and mutual funds. This account was titled and held in the name of the 2006 Restatement. Petitioner states that the title of this account was never changed and her assets in the Merrill Lynch account remained in the name of the 2006 Restatement until her death.
9. On 01/14/09, decedent executed an AMENDMENT TO RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT (the "2009 Amendment"). The 2009 Amendment revoked Article IV of the 2006 Restatement and placed Petitioner as successor trustee with Respondent as the second alternate successor trustee. Decedent did not change the prior distribution of the trust estate.
10. Petitioner alleges that decedent also executed a LAST WILL AND TESTAMENT OF GLORIA E. ZSIBA (the "2009 Will"). The 2009 Will states specific bequests of personal items and furniture to all three of her children and then sets forth distribution of all of her furniture, furnishings, household equipment and any vehicle(s) owned to be distributed $\frac{3}{4}$ equally to her three living children and $\frac{1}{4}$ equally to the children of her deceased daughter. This follows the same distribution set forth in the 2005 Trust and 2006 Restatement.
11. The 2009 Will not only states that decedent had a deceased daughter, but it also specifically names her daughter's heirs at law. The 2009 Will also nominates Petitioner as the first executor and Respondent as the alternate executor.
12. Petitioner states that he took care of and handled decedent's day to day needs from 1997 to 09/09/13. Petitioner alleges that Respondent and his other brother, Kenton Tracy, went years without contact with decedent, and on or about the third week of August 2013, Respondent showed up at decedent's residence. Petitioner states that decedent informed Respondent that she intended to change the 2006 Restatement to leave her home to Petitioner so that the house remained in the family and Petitioner would take care of her cats. Petitioner alleges that this amendment was prepared and signed, but decedent was not able to have it notarized.
13. Petitioner states that decedent wanted to die at home, in her bed with her beloved cats nearby.
14. Petitioner states that on or about 09/09/13 and thereafter, Respondent kept Petitioner away from decedent, which was against decedent's wishes.
15. Petitioner alleges that during the week of 09/09/13, Respondent removed the decedent's check book and debit card from her possession and never returned them.
16. Petitioner alleges that on 09/16/13, Respondent took possession of the decedent's vehicle.
17. Petitioner alleges that from 09/09/13 to present, he has been denied access to decedent's house and cats, under threats of physical violence. Petitioner's vehicle is in the garage at decedent's residence and Respondent will not let Petitioner have access to it.
18. Petitioner alleges that around 09/20/13, Respondent attempted to file a Power of Attorney with Merrill Lynch granting himself control of decedent's Merrill Lynch account. On or about 09/25/13, the Power of Attorney was returned by Merrill Lynch as unacceptable.

Continued on Page 3

19. Petitioner alleges that decedent's health declined significantly after Respondent prevented Petitioner from seeing and caring for decedent beginning on or about 09/09/13.
20. Petitioner alleges that on 09/26/13, due to Respondent's inadequate care of her health needs, decedent became very ill and her left foot became gangrenous which required amputation.
21. Petitioner alleges that on or about the night of 10/01/13, Respondent coordinated the drafting of a new Living Trust and Will with APS Document Service and hired them to come to decedent's hospital room at Kaiser. Decedent was scheduled to have her left foot amputated the next day. Petitioner alleges that decedent did not hire APS Document Service nor were they hired at her request. Petitioner alleges that while decedent was heavily medicated, she executed THE GLORIA ELIZABETH ZSIBA LIVING TRUST (the "2013 Trust").
22. Petitioner alleges that under the terms of the 2013 Trust, Respondent is the only named successor trustee. The 2013 Trust also sets forth a completely different distribution plan than any of her previous estate planning documents. Under the 2013 Trust the distribution of the trust estate will solely go to five of Decedent's grandchildren. The 2013 Trust specifically left nothing to Decedent's three living sons, never mentioned her deceased daughter and forgot two of decedent's grandchildren.
23. Petitioner alleges that along with the 2013 Trust, while decedent was heavily medicated and very ill, she executed THE LAST WILL AND TESTAMENT OF GLORIA ELIZABETH ZSIBA (the "2013 Will").
24. Petitioner alleges that the 2013 Will only mentions decedent's three living sons. It does not state that she had a predeceased daughter, nor does it mention the predeceased daughter's heirs at law. The 2013 Will gives all of the Decedent's real and personal property to the 2013 Trust and nominates only Respondent as the Executor.
25. Petitioner alleges that at the time decedent signed the 2013 Trust and the 2013 Will, Kaiser Permanente Hospital believed she was incompetent for the purposes of making medical decisions. Respondent was using a medical Power of Attorney or an Advanced Health Care Directive to make medical decisions for decedent.
26. Petitioner alleges that on 10/03/13 during a bone biopsy, a blood clot caused decedent to have a massive stroke. Petitioner alleges that Kaiser wanted to coordinate in home care so that decedent could live the rest of her days comfortably in her own home as she wanted.
27. Petitioner alleges that Respondent instead transferred decedent to Hinds Hospice and rented out all of decedent's rooms in her home.
28. Petitioner states that decedent did not recover from the stroke, remained unable to speak or communicate for two days and was then unconscious until her death 12 days later. Petitioner alleges that decedent was alienated from her family and left to die alone, in a strange place. Decedent was 79 years old at the time of her death.
29. Petitioner as the named successor trustee under the 2009 Amendment to the 2006 Restatement recorded an Affidavit of Successor Trustee-Death of Trustee and Trustee's Certification on 11/05/13.
30. Petitioner states that after decedent's death, he sent a Trustee Certification form to Merrill Lynch along with copies of the 2006 Restatement and 2009 Amendment so that Petitioner could collect the funds from decedent's Merrill Lynch account to administer them under the 2006 Restatement.
31. Petitioner alleges that Respondent separately filled out the forms and sent copies of trust documents to Merrill Lynch. Petitioner alleges that Merrill Lynch was fully aware that both Petitioner and Respondent were claiming to be decedent's successors in interest to the funds.
32. Petitioner alleges that on 11/14/13 or thereafter, Merrill Lynch transferred approximately over \$40,000.00 from the decedent's account ending in 5148 to an account a Bank of America in Respondent's name. Petitioner alleges that he and his counsel have tried several times to get information from Merrill Lynch regarding the distribution, specifically what forms were submitted by Respondent to attain the funds and why Merrill Lynch distributed the funds to Respondent instead of depositing the funds with the Court.

Continued on Page 4

33. Petitioner alleges that the transfer of the funds from decedent's Merrill Lynch account to Respondent was not a valid transfer. The account was held in the name of decedent's 2006 Restatement and the funds should have been transferred to Petitioner as the named successor trustee under the 2009 Amendment. Petitioner requests that the Court find the transfer of funds from decedent's Merrill Lynch account was not valid.
34. Petitioner alleges that Respondent is currently in possession of over \$40,000.00 in funds belonging to decedent's 2006 Restatement of Trust. Petitioner requests that these funds be transferred to Petitioner as successor trustee of the 2006 Restatement.
35. Petitioner alleges that decedent also owned a 2003 Saturn L3, a Bank of America checking account with approximately \$7,000.00 and another bank account.
36. Petitioner alleges that Respondent has possession of and is using decedent's Saturn L3 and has taken all of the funds from her Bank of America checking account. Petitioner requests that all of decedent's personal property be transferred to Petitioner as named Executor of the 2009 Will.
37. Petitioner alleges that on or about 12/10/13, Respondent recorded an Affidavit of Death of Trustee (the "December Affidavit"). Petitioner alleges that the December Affidavit states that Respondent is the successor trustee of the 2005 Trust and "designated and empowered pursuant to the terms of the trust to serve as Trustee thereof." Petitioner alleges that there are no amendments or documents known to Petitioner placing Respondent as the successor trustee of the 2005 Trust or the successor trustee of the 2006 Restatement.
38. Petitioner alleges that Respondent fraudulently recorded the December Affidavit when he was not in fact the successor trustee of the 2005 Trust and had knowledge that Petitioner was the named successor under the 2009 Amendment.
39. Petitioner alleges that the 2013 Trust and 2013 Will were executed at the direct result of undue influence exerted by Respondent over decedent, and that decedent lacked capacity to execute testamentary instruments when the 2013 Trust and Will were executed. Petitioner alleges that decedent was mentally and physically impaired due to being medicated for her severe illness as well as going through withdrawals from Ativan. Petitioner alleges that Kaiser Permanente believed decedent lacked capacity to make medical decisions.
40. Petitioner alleges that the 2013 Trust is contrary to decedent's previous expressed intent and estate plan that decedent had in place for several years and that her mental and physical condition were so deteriorated that Respondent was able to subvert his will over her to execute the 2013 Trust and Will causing her to dispose of her property differently than she would otherwise have done.
41. Petitioner has been damaged by the actions of Respondent, Respondent knew or should have known his conduct was likely to be harmful to Petitioner.
42. At all relevant times, the decedent was a dependent adult as defined by WIC § 15610.30 in that she was over the age of 65 when the alleged actions took place. Respondent had the care and custody of decedent three weeks prior to her being hospitalized.
43. Petitioner alleges that during this period of time, Respondent was influencing decedent in her affairs, secreting her from family, and causing her to make drastic changes to her estate plan that had been in place for some time. Respondent's conduct constituted financial abuse under WIC § 15610.30. Respondent is therefore liable for reasonable attorney fees and costs under WIC § 15657.5.
44. Respondent is guilty of recklessness and oppression and fraud in the commission of the abuse described in this petition.
45. Petitioner alleges that Respondent placed himself in a position of successor trustee of the 2013 Trust and took actions that altered the intended disposition of decedent's estate as set forth in her 2006 Restatement, all to the detriment of Petitioner and other family members. As a result of his actions, Respondent should be removed as trustee and should be held to account for all actions taken by him as successor trustee of the 2013 Trust and all assets he has wrongfully taken from the 2006 Restatement. Petitioner requests that the Court order Respondent to file an accounting with the Court detailing his acts as trustee of the 2013 Trust, and direct that said accounting be filed no later than thirty (30) days after the court makes its order.

Continued on Page 5

46. Petitioner states that under Probate Code § 859, Respondent is liable for an amount equal to twice the value of the property recovered from the invalid transfer of funds from decedent's Merrill Lynch account and the decedent's real and personal property and under Civil Code § 3294, Respondent is liable for punitive damages.

Petitioner prays for an Order:

1. The Court revoke and rescind the GLORIA ELIZABETH ZSIBA LIVING TRUST dated 10/01/13;
2. Confirming that the RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT executed 08/24/06 and the AMENDMENT TO RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT executed 01/14/09 are valid;
3. Confirming that decedent's real property residence located at 3260 E. Kerckhoff in Fresno belongs to and is an asset of the GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated 04/05/05 as Restated on 08/24/06;
4. Confirming the decedent's remaining personal property not titled in the name of her trust should be distributed in accordance with the LAST WILL AND TESTAMENT OF GLORIA E. ZSIBA executed on 01/14/09;
5. Confirming that the funds previously held in decedent's Merrill Lynch account ending in 5148 belong to and is an asset of the RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT executed 08/24/06;
6. Determining that the transfer of all funds from Merrill Lynch account ending in 5148 to Respondent, Kevin Lee Tracy, be deemed invalid;
7. Imposing a constructive trust on all real and personal property held by Respondent obtained by the GLORIA ELIZABETH ZSIBA LIVING TRUST dated 10/01/13 and the LAST WILL AND TESTAMENT OF GLORIA ELIZABETH ZSIBA dated 10/01/13;
8. Declaring that Respondent, Kevin Lee Tracy, committed fiduciary abuse and financial elder abuse as those terms are defined in WIC §§ 15610.30 and 15657.5;
9. For costs of suit including reasonable attorney's fees, as provided by law;
10. For an amount equal to twice the value of the property recovered, pursuant to Probate Code § 859;
11. For punitive damages as provided by law; and
12. For other relief the Court deems just and proper.

Objections by Respondent, Kevin Lee Tracy, to Petitioner's Petition to Invalidate Trust Dated 10/01/13 and Any Amendments on the Grounds of Undue Influence and Incapacity, etc. filed 04/01/14 states:

Respondent objects to all allegations as alleged on the grounds that the GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated April 5, 2005 as Restated on August 24, 2006 and Amended on January 14, 2009 is a revocable living trust which was revoked when the new and correct 2013 Trust was created. Respondent admits and denies various allegations in the Petition and further states/alleges:

1. The 2006 Trust and any will alleged to have been executed on or about 2006 as well as the Restatement in 2009 were revoked by the decedent with the execution of the 2013 Trust and 2013 Will dated 10/01/13.
2. Decedent made an amendment to the 2005 Trust placing the Petitioner as successor trustee while she was highly medicated and incapacitated. Decedent was manipulated by Petitioner and Decedent in fact did not remember what changes had been made due to her condition of sedation. Petitioner financially abused Decedent for years preceding her death.
3. On 08/26/06, Decedent executed "THE RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT" ("2006 Restatement"). The 2006 Restatement revoked the prior amendment(s) made to the 2005 Trust and placed Respondent back as Successor Trustee. The 2006 Restatement was drafted after mishandling of the Decedent's funds was discovered, perpetrated by Petitioner. The Decedent was so incapacitated during the time the amendments to the 2005 Trust were drafted; she did not even know what the Amendments entailed. No one received copies of the amendments, including the decedent. Wanting her true and correct wishes to be carried out, she revoked all amendments by drafting the 2006 Restatement.
4. The 2009 Amendment revoked Article IV of the 2006 Restatement and placed Petitioner as Successor Trustee with Respondent as the second alternate successor trustee. Decedent did not change the prior distribution of the trust estate. Decedent was still under heavy sedation due to her misuse of the drug Ativan. Petitioner once again took advantage of her debilitated state and manipulated the Decedent into making the 2009 Amendment.

5. At the same time Decedent was manipulated into making the 2009 Amendment, she also executed a "LAST WILL AND TESTAMENT OF GLORIA E. ZSIBA" ("2009 Will"). The 2009 Will states specific bequests of personal items and furniture to all three of her children and then set forth distribution of all her furniture, furnishings, household equipment, any vehicle(s) owned by decedent to be distributed 3/4ths equally to decedent's 3 children, Respondent, Petitioner, and Kenton Tracy and 1/4th equally to the children of Decedent's predeceased daughter. This was done while the Decedent was heavily sedated and highly addicted to Ativan. Decedent was not lucid or with a clear mind. Petitioner coerced Decedent into these changes for self-serving purposes.
6. Respondent alleges that Petitioner was known to the family as a drug abuser and would only come around the Decedent's home at night. Kenton Tracy lived out of town and would visit when he could and called often. Respondent visited often as work permitted and called Decedent daily. Petitioner shopped occasionally for Decedent which required use of her vehicle, credit cards, and checks. Petitioner would disappear with Decedent's car and funds for weeks at a time and refuse to return them. Petitioner only helped Decedent when it benefitted him with the use of the car and/or gain funds from her accounts.
7. Petitioner refused to visit Decedent after he was unable to maintain a hold of her finances and the mishandling of her funds by him was brought to light. He was upset he could no longer manipulate her so he refused to see her.
8. Respondent, upon request of the Decedent did remove the vehicle from Petitioner's possession and return the vehicle to Decedent. Petitioner had again mishandled funds and taken control of the Decedent's vehicle. Decedent had requested Petitioner return the vehicle and he had refused. Only after Petitioner refused to return the vehicle did Decedent give Respondent the spare key to take possession of the vehicle and return it to its owner, the Decedent.
9. Petitioner did and would have continued to mishandle and financially abuse his elderly mother, the Decedent. Decedent had been take off the Ativan she was overmedicating with and was again alert and lucid. At that time she was done getting mistreated by the Petitioner and no longer wished him to have access to her funds.
10. Petitioner refused to see his mother and was angry that he had been discovered to be financially abusing decedent and no longer had access to her funds.
11. With surgery pending, Decedent wanted her affairs to be in order in the event surgery didn't go well. She wanted her true and final wishes to be carried out. Decedent was completely alert and aware of what she was doing when she executed THE GLORIA ELIZABETH ZSIBA LIVING TRUST ("2013 Trust").
12. Under the terms of the 2013 Trust, Respondent is the only names successor trustee. This is because the Decedent had lost all trust and confidence in the Petitioner after learning he had been financially abusing her for years. The 2013 Trust also set forth a completely different distribution plan than any of her previous estate planning documents. The events in the previous years leading up to the drafting of the 2013 Trust created and enforced her desire to leave the entirety of her estate to her five grandchildren she had contact and relationships with. She did not "forget" two of her grandchildren. It was her specific intent to leave them out as well as her children, whom she felt had already received enough from her, as specifically stated in the 2013 Trust.
13. Decedent was alert, lucid, and with a clear mind when she executed THE LAST WILL AND TESTAMENT OF GLORIA ELIZABETH ZSIBA ("2013 Will").
14. Decedent was completely competent for the purpose of making medical decisions when Kaiser Permanente Hospital asked her to name a medical Power of Attorney in the event her amputation did not go well. Had she been incompetent, Kaiser would not have allowed her to choose a medical Power of Attorney herself and would have instead appointed one for her. The Decedent herself appointed the Respondent as her medical Power of Attorney in direct contradiction of the allegation that she was incompetent to make her own decisions.
15. After the foot amputation went well, Respondent had high hopes she would be able to return home, but unfortunately, a few days later a blood clot reached her brain and she became brain dead. Respondent moved her to Hinds Hospice where she spent her last days in the company of all of her loved ones, except for Petitioner, who refused to visit her. Respondent felt Hinds Hospice was the most appropriately equipped facility to care for Decedent during her final days.

Continued on Page 7

16. Decedent was surrounded by her loved ones while at Hinds Hospice with the exception of Petitioner who refused to visit her in her final days. Petitioner abandoned his mother the moment his self-serving manipulations no longer were effective. Petitioner has always and continues to only think of himself and financial gain through fraud, manipulation and lies.
17. Petitioner, through invalid trust documents, unlawfully recorded through Affidavit the deed to Decedent's house with an outdated trust, claiming to be trustee for his sole financial gain. Petitioner knew of the 2013 Trust and had a copy. He submitted outdated, invalid documents knowing they were not valid with the intention of defrauding Decedent's grandchildren.
18. Petitioner also tried to collect funds from Decedent's Merrill Lynch account using the outdated/invalid documents, claiming to be trustee for his sole financial gain. He knew the documents were not valid. Merrill Lynch eventually recognized the 2013 Trust as the true and correct trust document.
19. Respondent sent copies of the 2013 Trust, the true, correct and complete trust as desired by Decedent. Merrill Lynch was fully aware both Petitioner and Respondent were claiming to be Decedent's successor in interest to the funds. Merrill Lynch, after a brief investigation, held that the 2013 Trust was the valid trust and monies were released to Respondent who in turn executed the wishes of the Decedent by disbursing the funds to the heirs, her grandchildren she had contact with, as outlined in the 2013 Trust.
20. Decedent's 2013 Trust was the final, complete and correct trust, revoking all others. Respondent is requesting the court find the transfer of funds from the Decedent's Merrill Lynch account be held as valid.
21. All funds released to Respondent as trustee of the 2013 Trust were disbursed to the Decedent's grandchildren she had contact with per her wishes as outlined in the 2013 Trust.
22. On or about 12/09/13, Respondent recorded an Affidavit of Death of Trustee.
23. The 2013 Trust and 2013 Will were executed as a direct result of the previous undue influence exerted by Petitioner on numerous occasions while Decedent was under the influence and heavily sedated with the drug Ativan. The 2013 Trust and 2013 Will were drafted and executed by the Decedent because she finally had a clear mind without the use of the Ativan and she no longer wanted to be financially abused by Petitioner, as evidenced by her 2013 Trust leaving nothing to her children and everything to her grandchildren.
24. Decedent was more lucid than she had been in years, finally being free from Ativan. She was clear headed and her mental capacities and abilities were completely intact. In fact, she was less likely to be influenced by others than she had been in years, and having been financially abused by the Petitioner for many years, she wanted her wishes to be restated and all other previous trusts to be revoked by the drafting and execution of the 2013 Trust and 2013 Will, which she signed in front of a witness and a notary, surrounded by people who love her.
25. Decedent did place her trust in Respondent after she lost all trust in Petitioner following his mishandling of her funds and theft of tens of thousands of dollars of Decedent's money. Decedent was never secluded from Petitioner through anyone's decision but his own, when he chose to abuse his mother and take advantage of her confused state. Petitioner is in fact the one who refused to be with his mother throughout her last days and essentially abandoned her after he lost control of her finances.
26. Respondent states that he acted in good faith following the 2013 Will and 2013 Trust and requests that if the Court finds for the Petitioner, Respondent be excused from any punitive damages under Probate Code § 9601(b).

Respondent prays as follows:

1. The Court upholds and validates the GLORIA ELIZABETH ZSIBA LIBING TRUST dated 10/01/13;
2. Revoke and rescind the RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT executed 08/24/06 and the AMENDMENT TO RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT executed January 14, 2009 and hold they were revoked with the execution of the 2013 Will and 2013 Trust;
3. Deny that Decedent's real property located at 3620 E. Kerckhoff, Fresno belongs to and is an asset of the GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated 04/05/05 and Restated on 08/24/06;
4. Deny that the Decedent's remaining personal property not titled in the name of her trust be distributed in accordance with the LAST WILL AND TESTAMENT OF GLORIA E. ZSIBA executed on 01/14/09;

Continued on Page 8

Dept. 303, 9:00 a.m. Monday, June 2, 2014

5. Deny that the funds previously held in Decedent's Merrill Lynch account ending in 5148 belong to and is an asset of the RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated 08/24/06;
6. Order the transfer of all funds from Merrill Lynch account ending in 5148 to Respondent, Kevin Lee Tracy, be deemed valid;
7. Prevent imposition of a constructive trust on all real and personal property held by Respondent, Kevin Lee Tracy, obtained by use of the GLORIA ELIZABETH ZSIBA LIVING TRUST dated 10/01/13 and the LAST WILL AND TESTAMENT OF GLORIZ ELIZABETH ZSIBA dated 10/01/13;
8. Order Petitioner disclose and release any assets he may have gained through the safe deposit box or any other means with the outdated documents;
9. For a declaration holding Respondent, Kevin Lee Tracy, innocent of fiduciary abuse and financial elder abuse as those terms are defined in Welfare and Institutions Code §§ 15610.30 and 15657.5;
10. For a declaration holding Petitioner, Anton Kremer, guilty of fiduciary abuse and financial elder abuse as those terms are defined in WIC § 15610.30;
11. For a declaration holding Petitioner, Anton Kremer, guilty of fraud as those terms are defined in Penal Code § 484;
12. For costs of suit including reasonable attorney fees and extraordinary expenses as provided by law, awarded to Respondent, Kevin Lee Tracy;
13. Deny any request for an amount equal to twice the value of the property recovered, pursuant to Probate Code § 859;
14. Punitive damages awarded to Respondent, as provided by law.

Declaration of Kevin Lee Tracy in Support of His Objections filed 04/01/14 states:

1. Gloria Zsiba ("Decedent") has three surviving children, Anton Kremer, Kenton Tracy and Kevin Tracy. She has a total of 7 grandchildren, five of whom she had contact with – Christian Chambliss, Ronald Miears, Anton Kremer, Mathew Tracy, and Cosmo Tracy. Kyle and Zachery, last names unknown, she has never been in contact with. Her husband, Alexander Zsiba, predeceased her.
2. In 2006, Alexander and Gloria, named Respondent (Kevin Tracy), as trustee of their estate.
3. In or about 2008, Alexander passed away. Gloria became depressed and her health declined. She began taking anti-depressants and anti-anxiety medications, including Ativan, a powerful and highly addictive drug. She began displaying side effects including sedation. While on these medications she could barely get out of bed.
4. In or about 2009, while Gloria was heavily medicated and incapacitated, her son Anton Kremer had her amend her 2006 trust.
5. No one was given copies of this amended trust and Gloria was so sedated she could not recall what changes were made.
6. Gloria relied heavily on others for her care. She did not leave the house and was heavily medicated. Her sons, Anton, Kenton & Respondent all assisted.
7. Anton (Petitioner) is known to the family to abuse drugs and only came around at night. Occasionally he would assist Decedent by doing her shopping which required him to use her vehicle, checks and credit cards. In time, Anton took over her accounts and took full possession of her vehicle.
8. In or about 2011, I received a call from Decedent's stock broker at Wells Fargo who was concerned about the amount that was being withdrawn, knowing Decedent was incapacitated and confined to her home. He stated that he called Adult Protective Services and made a report.
9. Upon investigation, Respondent learned that Anton had been taking the mail to hide the bank statements. Decedent requested duplicates and after sitting down with her stock broker it was discovered that Anton had been pilfering through her accounts and stealing tens of thousands of dollars.
10. On the advice of her broker, Decedent changed her account numbers, and got new checks and credit cards with Respondent's assistance. They also closed numerous credit cards Anton had opened in Decedent's name for his sole use and benefit. Respondent urged Decedent to pursue criminal charges for identity theft, fraud, and embezzlement, but Decedent could not bring herself to report her son.

Continued on Page 9

11. It was also discovered that Anton had both sets of keys to Decedent's safety deposit box and he refused to return them to Decedent upon request.
12. Decedent remained heavily medicated at this time and Anton eventually was able to access her accounts once again. At this time, Anton even persuaded Decedent to change her stock holding again, allowing him to secure hold over her finances.
13. In 2013, after Decedent became so ill she called an ambulance, the doctors determined that she was extremely over-medicating and was in fact addicted to Ativan. The doctors determined that she needed to be taken off the medication completely.
14. After being taken off the medications, her anxiety and panic attacks returned in full force. Respondent called on the family for help, making a daily rotation so that she was never alone. Eventually a full time, live in caretaker was hired. Anton stopped coming around and was nowhere to be found. He had abandoned the Decedent, taking her car and two checks for \$1,000 each with him.
15. As Decedent's medication wore off and the haze of the Ativan faded, she had many discussions with Respondent and her other son Kenton along with their wives and children. Anton's mishandling of her funds was discussed and Decedent wondered what changes had been made to her trust while she was plagued with the mental fog caused by the Ativan.
16. Decedent decided to make a new living trust leaving everything to her five grandchildren she had contact with and her only great-grandchild. To carry out he wishes she wanted Respondent to be appointed as trustee. Decedent also requested that Respondent retrieve her vehicle from Anton.
17. Eventually Decedent developed clots in her legs. Facing partial amputation of her foot, she wanted all of her affairs in order. With a clear mind and surrounded by her family, she signed a new living trust in the presence of a notary and a witness. At the same time, the hospital required her to make someone her medical power of attorney in case she could not make her own decisions. Knowing Respondent would always keep her best interests in mind, Decedent appointed him as power of attorney.
18. The foot surgery went well, but unfortunately, a few days later a blood clot reached her brain and she became brain dead, went to hospice and passed away thereafter. Anton refused to visit her during this time.
19. On the day she passed, Anton was provided with a copy of the 2013 Trust.
20. Respondent began to carry out Decedent's wishes according to the 2013 Trust. During this process, it was discovered that Anton had cleared out Decedent's safety deposit box.
21. Now Anton is trying to steal Decedent's grandchildren's inheritance, much like he stole continuously from the Decedent while she was alive.

DOD: 10/14/13	<p>ANTON KREMER, trustee of the GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated 04/05/05 as Restated on 08/24/06 and Amended on 01/14/09, and intestate heir of GLORIA E. ZSIBA, filed a Petition to Invalidate Trust Dated October 1, 2013 and any Amendments on the Grounds of Undue Influence and Incapacity; to confirm Validity of Trust Dated April 5, 2005 as Restated on August 25, 2006 and Amended on January 14, 2009 and all Assets Held by 2005 Trust; Petition to Determine Validity of Transfer of 2005 Trust Assets; Fraud; Breach of Trust; for Financial Elder Abuse of a Dependent Adult; for Imposition of a Constructive Trust on Wrongfully Transferred Assets; for Trust Accounting; for Double Damages; for Attorney Fees and Cost of Suit; and for Punitive Damages.</p> <p>Minute Order from hearing on 03/03/14 set this matter for a status hearing.</p> <p>Kevin Lee Tracy, Respondent filed an Objection on 04/01/14.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 05/28/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9B – Zsiba</p>

Age: 4 years		RAYLYN SUBIA , mother, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 5/12/14. Minute Order states the court orders supervised visits until further order of the court. Parties to work together to determine what non-family member will supervise the visits. The Court will allow Ms. Reyes to supervise the visits in the event a non-family member cannot be determined. For Petitioner/mother: 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing on: a. Darlene Subia Reyes (guardian) b. Alexander Espino (father) c. Bridget Uranga (paternal grandmother) For Respondent/Guardian Darlene Reyes: 1. Response is not verified. Probate Code §1021. 2. Need proof of service of the Response on Petitioner Raylyn Subia.
		DARLENE [SUBIA] REYES , maternal grandmother was appointed guardian on 11/1/11.	
Cont. from 051214		Father: ALEXANDER ESPINO	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Paternal grandfather: Deceased Paternal grandmother: Bridget Uranga Maternal grandfather: Deceased.	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	X	
<input type="checkbox"/>	Aff.Mail	X	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Please see additional page			
Reviewed by: KT			
Reviewed on: 5/28/14			
Updates:			
Recommendation:			
File 10 - Espino			

Responsive Declaration filed by Darlene Reyes on 5/5/14 states she had no knowledge of the court proceedings until she was contacted by the Court Investigator. Guardian alleges that when the mother returned the minor to her on 1/5/14 she noticed a strong odor of marijuana. Guardian states she called the police to document this. The court orders prohibit mom from doing any drugs which is a condition of her probation. Other conditions of mom's probation are to register as a gang member and not socialize with gang members. Mom's current boyfriend, who is a gang member, was ordered by the court not to be around the minor. Guardian alleges that not only is the boyfriend around the minor, mom allows him to talk to the minor while minor is in guardian's home. Although Mom claims he is no longer with her boyfriend, she is currently pregnant with his child. Court order dated 4/11/13 [Tulare County] terminated mom's overnight visits and granted her supervised visits. Visits were to be supervised by the guardian.

Guardian contends that through her actions Mom has demonstrated that she is not fit to be a full time mother to the minor. She does not work and has no means of supporting herself and the minor.

Court Investigator Samantha Henson's Report filed on 5/5/14.

Visitation Order [Tulare County] dated 11/8/12:

- Mother shall have visitation on the 1st, 2nd and 4th weekends of the month from Saturday at 12:00 p.m. until Sunday at 6:00 p.m. and every Tuesday from 12:00 p.m. until 6:00 p.m.
- Mother shall be entitled to have 4 hours visitation during major holidays and the child's birthday.

Visitation Order [Tulare County] dated 4/11/13:

- The previous visitation order of 11/8/12 shall remain in full force and effect with the exception that during the visits child shall not have any contact with the mother's formal boyfriend, Aaron Molina.

Note: the Minute Order from 4/11/13 [Tulare County] states the mother shall have supervised visits as previously ordered however the previous visitation order (11/8/12) did not include supervised visits.

DOD: 11/11/2013		ANTONIO ELIZONDO , surviving spouse, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		No other proceedings	1. #5a(2) of the petition indicates that there is issue of a predeceased child. Need name and date of death of deceased child pursuant to Local Rule 7.1.1D.
		Decedent died intestate.	
Cont. from		Petitioner states that he and the decedent were married on 11/20/1964, in Sanger California. All property of petitioner and decedent was purchased during their marriage with community funds.	2. Need the names of the predeceased child's issue and they must be noticed.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Petitioner requests court confirmation that the real property located at 311 N. Humboldt Ave., Fresno, Ca. pass to him.	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: LV
			Reviewed on: 05/29/2014
			Updates:
			Recommendation:
			File 12 – Elizondo

Ex Parte Petition for Visitation

Age: 6		TAMY CALLISON, mother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		MICAELA PRINCE, paternal	<u>CONTINUED FROM 04/23/14</u>
		grandmother, was appointed guardian	
		of the Person on 03/19/14. – Personally	See Page 15B for Mother's Petition to
		served on 04/13/14 (see note 1)	
Cont. from 042314			Terminate the Guardianship.
	Aff.Sub.Wit.	Father: ALFRED RUIZ, III	<ol style="list-style-type: none"> 1. The proof of service regarding service of the Notice of Hearing on Micaela Prince is incomplete. It is not filled out at all other than the name, address and date of service. Need completed proof of service. 2. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Visitation or Consent & Waiver of Notice or Declaration of Due Diligence for: <ol style="list-style-type: none"> a. Alfred Ruiz, III (father) b. Maternal grandparents
✓	Verified	Paternal grandfather: ALFRED RUIZ, JR - deceased	
	Inventory		
	PTC		
	Not.Cred.	Maternal grandparents: UNKNOWN	
✓	Notice of Hrg	Petitioner states that guardianship of	
	Aff.Mail	Mia was obtained by fraud and lies	
	Aff.Pub.	presented to the Court. Petitioner	
	Sp.Ntc.	states that Mia had been living with her	
✓	Pers.Serv.	and the Cantu family in Parlier, CA.	
	Conf. Screen	Petitioner states that the guardian,	
	Letters	Micaela Prince, knew where she was	
	Duties/Supp	living the entire time. Further, Petitioner	
	Objections	alleges that Micaela abducted Mia	
	Video Receipt	and won't allow Petitioner any	
	CI Report	visitation.	
	9202		
	Order	X	
	Aff. Posting		Reviewed by: JF
	Status Rpt		Reviewed on: 05/28/14
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 15A – Ruiz

Petition for Termination of Guardianship

Age: 6		TAMY CALLISON, mother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		MICAELA PRINCE, paternal grandmother, was appointed guardian of the Person on 03/19/14.	<ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the <i>Petition for Termination of Guardianship</i> or Consent & Waiver of Notice or Declaration of Due Diligence for: <ol style="list-style-type: none"> a. Alfred Ruiz, III (father) b. Micaela Prince (paternal grandmother/Guardian) c. Sally Schrieber (maternal grandmother) d. Maternal grandfather 3. Need Order.
Cont. from		Father: ALFRED RUIZ, III	
	Aff.Sub.Wit.		
✓	Verified	Paternal grandfather: ALFRED RUIZ, JR - deceased	
	Inventory		
	PTC		
	Not.Cred.	Maternal grandfather: UNKNOWN	
	Notice of Hrg	Maternal grandmother: SALLY SCHRIEBER	
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
	Order	x	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: JF Reviewed on: 05/28/14 Updates: Recommendation: File 15B – Ruiz